

REMARKS

Rejection under 35 U.S.C. § 112, second paragraph

Claim 23 is rejected under 35 U.S.C. § 112, second paragraph, because the elements “first attribute,” “second attribute,” and “third attribute” lack antecedent basis.

Applicant has amended these elements by replacing “attribute” with --value-- for which antecedent basis is provided. Applicant respectfully requests withdrawal of the rejection.

Rejection under 35 U.S.C. § 102 and Allowable Subject Matter

Claims 30-33 and 36-38 are rejected under 35 U.S.C. § 102(b) as being anticipated by Applicant’s Admitted Prior Art (AAPA).

Claims 34 and 39 are allowable if rewritten in independent form. See Office Action summary.

Applicant respectfully disagrees that claims 30-33 and 37-38 are anticipated by AAPA.

However, solely for the purpose of expediting prosecution of the present application, Applicant has amended claim 30 to include the limitation previously recited in claim 34 (which is now cancelled). Claim 30 is therefore allowable. Claims 31-33 and 35-36 depend from claim 30 and are likewise allowable.

Claims 37-39 are cancelled without prejudice for the purpose of allowing the entry of new claims without incurring additional claim fees.

New Claims

Applicant has added new claims 40-42. These claims are supported by the original application. No new matter has been entered.

Claim 40 recites:

software defining one or more applications for obtaining and storing data relevant to pain experienced by one or more patients, the software operable to:

(i) display one or more representations of at least a portion of a human body, wherein the representation includes a plurality of regions;

(ii) processing first data from the user to allow the user to select one or more regions within the one or more representations that correspond to one or more locations in a patient that are associated with a patient's subjective perception of pain;

(iii) processing second data from the user to allow the user to define characteristics of pain perceived in the selected region or regions, wherein the second data is processed to define (a) a first attribute value that is related to an intensity of pain perceived by a patient with the selected region or regions; and (b) a second attribute value that is related to a physical sensation pain type perceived by the patient with the selected region or regions.

Applicant respectfully submits that AAPA does not teach or suggest each and every limitation of claim 40. AAPA merely discloses that a user merely can identify a location of pain and an intensity of pain using known systems. AAPA does not teach or suggest allowing a user to define "a physical sensation pain type" using a representation including a plurality of regions in the manner recited by claim 40.

Therefore, claim 40 is patentable over AAPA. Claims 41 and 42 depend from claim 40 and are likewise patentable over AAPA.

Conclusion

Applicant respectfully submits that the application is in condition for allowance and requests the Examiner to pass the application to issue. Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 50-3906 from which the undersigned is authorized to draw.

Applicant does not believe that an extension of time is necessary. However, if any extension of time is necessary, Applicant hereby petitions for such extension of time and authorizes the Office to charge Deposit Account No. 50-3906 from which the undersigned is authorized to draw for the appropriate extension of time fee.

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Respectfully submitted,

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